

HOUSE BILL 191

By DeBerry

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 68, relative to amusement devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-121-117(a)(1)(A), is amended by deleting the period at the end of the subdivision and substituting instead the language "; and".

SECTION 2. Tennessee Code Annotated, Section 68-121-118, is amended by deleting the language "qualified, third-party inspector" wherever it appears in the section and substituting instead the language "qualified inspector".

SECTION 3. Tennessee Code Annotated, Section 68-121-119, is amended by deleting the section and substituting instead the following:

The commissioner shall either employ or contract with qualified inspectors to conduct inspections of amusement devices pursuant to this part and to provide the commissioner with all resulting inspection reports. The commissioner shall compile a list of such qualified inspectors, annually update the list, and post the list on the department's website.

SECTION 4. Tennessee Code Annotated, Section 68-121-120, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) A person shall not operate an amusement device unless the owner of the amusement device has the device inspected at least twice annually, with the inspections being at least six (6) months apart, by a qualified inspector from the list maintained by the commissioner pursuant to § 68-121-119, and obtains from the qualified inspector written documentation that the inspection has been made and that the amusement device meets American Society of Testing Materials (ASTM) standards. The inspection

required pursuant to this subsection shall be conducted at a minimum to meet the manufacturer's or engineer's specifications and to follow the applicable ASTM standards. The owner of the amusement device shall be solely responsible for the cost of an inspection pursuant to this subsection.

(b) In addition to the requirements in subsection (a), a person shall not operate an amusement device unless the owner has obtained an annual permit as required by § 68-121-117(a)(1) and has provided evidence of insurance coverage as required by § 68-121-117(b).

SECTION 5. Tennessee Code Annotated, Section 68-121-120, is further amended by adding the following language as a new subsection:

(d) An operator of an amusement device must be at least eighteen (18) years of age and must be qualified to set up, operate, maintain, and dismantle the device in a safe manner as determined by the board by rule. An operator shall operate no more than one (1) device at any one time and shall be in attendance at all times the amusement device is in operation.

SECTION 6. Tennessee Code Annotated, Section 68-121-121, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) An owner or operator of an amusement device shall prominently display on the amusement device proof of inspection, which shall include the date of the last inspection of the device.

SECTION 7. Tennessee Code Annotated, Section 68-121-124, is amended by designating the existing language as subsection (b) and adding the following language as subsection (a):

(a) In addition to any and all other remedies, a person suffering an injury arising out of an accident involving an amusement device may bring a cause of action against both the owner and the operator of the device. A person suffering such an injury shall be awarded costs and attorney's fees if the person is the prevailing party.

SECTION 8. For the purpose of SECTION 3 and promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2018, the public welfare requiring it.